

Record of Decision
Kirkwood Meadows Power Line Reliability
USDA Forest Service
Eldorado National Forest
Amador, Alpine, and El Dorado Counties, California

Decision

Based on my review of the environmental impact statement, I have decided to select the Agency Preferred Alternative in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) as the Selected Alternative for this decision. My decision is to issue a Special Use Authorization to Kirkwood Meadows Public Utility District (KMPUD) for construction of a 34.5kV power line connecting the KMPUD service area (in Alpine, Amador, and El Dorado Counties) to an existing 115 kV transmission line owned by PG&E located near Salt Springs Reservoir in Amador County, as detailed in Chapter 2 of the EIS/EIR. The project will overbuild an existing overhead power line for 3.1 miles from Salt Springs Reservoir to its termination at Bear River Reservoir. For the remaining 25 miles to Kirkwood, the power line will be buried within Bear River Road, portions of the Old Alpine Highway, the Highway 88 corridor, and private roads within Kirkwood Valley. When construction is complete, I will issue a long-term easement for operation and maintenance of the power line in accordance with current Forest Service policy.

The Selected Alternative for this decision is the Preferred Alternative in the Final EIS/EIR, which is a modification of Alternative 2 (the Proposed Action) that substitutes power line alignment segments 6, 18, and 21 from Alternative 3 and includes the Alternative 4 substation location suggested through public comments. The details of the Preferred/Selected Alternative are described in detail in Chapter 2 of the EIS/EIR, and maps are found in figures 37.1 – 37.3 in Volume 2 of the EIS/EIR. Also included are the supporting structural features necessary for function and maintenance of the power line that apply to all action alternatives, as described below.

- **Two Substations** - A substation for interconnection from the existing electrical grid to the proposed power line to step down the voltage from 115 kV to 34.5 kV, and a substation to step down the voltage from 34.5 kV to 12.5 kV for residential distribution.
- **Sectionalizing Cabinets and Underground Vaults** –Above ground sectionalizing cabinets and underground vaults would be installed to splice buried power line segments together (installation of a 28-mile power line as a single cable is not feasible). Sectionalizing cabinets are also needed for line maintenance, including segment isolation for testing, and fault detection. Buried vaults would be used to minimize impacts to aesthetics and maintain public safety along Highway 88 and Bear River Road. Underground vaults are not proposed throughout the project because they provide less line maintenance function and worker safety than above ground sectionalizing cabinets.
- **Fiber Optic Line and Communication Handholes** - Fiber optic lines for communication between the substations would be buried or strung with the power line. Fiber optic line would be attached at the top of each pole in overhead line sections. For the buried line,

fiber optic line would be located in conduit within the trench, with communication handholes for splicing the fiber optic lines and to allow safe maintenance and repair.

The environmental effects of the Selected Alternative were thoroughly analyzed in the EIS/EIR alternatives and the effects of the Selected Alternative are within the range of impacts disclosed in the EIS/EIR. The Selected Alternative was developed specifically to maximize the use of existing disturbance areas and corridors during construction and minimize impacts to environmental, visual and cultural resources.

The Selected Alternative also responds to California Department of Transportation (Caltrans) concerns for public safety and operation of Highway 88. Approximately 7.7 miles of the buried line would be located within the Caltrans right-of-way along Highway 88, 5.5 miles of which would be located in the shoulder of the road and 2.2 miles would be located near the outer edges of the right-of-way. The Selected Alternative is designed to provide a cost effective and reliable energy generation system that meets both current and future demand for the Kirkwood community and mountain resort.

The Selected Alternative was developed using the best available science. The Kirkwood Meadows Power Line Reliability Final EIS/EIR documents the analysis and conclusions upon which this decision is based. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information. Implementation of the Selected Alternative is a course of action that is consistent with the relevant scientific findings available at the present time.

An indirect beneficial effect of my decision is increased public health and safety and reduced risk to other resources. The projected reduced need for diesel fuel will result in fewer diesel fuel tanker truck trips on Highway 88, which will reduce the risk of a hazardous spill. Implementation of my decision will also reduce emissions from diesel generated electricity and improve air quality within Kirkwood Valley. The fire that destroyed the electrical generating facility at Kirkwood also supports my decision to implement the Selected Alternative in order to reduce the risk of future total loss of electrical power in the Kirkwood Valley area that could jeopardize public safety and public recreation opportunities.

I find the design features to reduce environmental effects in Chapter 2 and the monitoring in Chapter 4 of the EIS/EIR adequate to provide quality control for implementation of project activities and to evaluate the effectiveness of the project design.

The Selected Alternative includes two non-significant Eldorado National Forest Land and Resource Management Plan (Forest Plan) amendments needed to allow selection of any action alternative by correcting errors and inconsistencies within the Forest Plan and to assure that all action alternatives are consistent with the Forest Plan.

The first amendment applies to the Mokelumne Archeological District in Management Area 4. The Mokelumne Archeological District is the largest (12,200 acres) of the 14 special interest areas scattered across the Forest in MA4. The purpose of the Mokelumne Archeological District is to protect and manage archaeological resources. However, the Mokelumne Archeological District currently includes several transportation and utility corridors that pre-date issuance of the Forest Plan. Because all action alternatives would overbuild an existing power line crossing the Mokelumne Archeological District, this situation leads to uncertainty about whether adding a new power line (as proposed) is consistent with the Forest Plan. To remedy this inconsistency, the Forest Plan will be amended by adding a Standard and Guideline to Management Practice 98 specific to the Mokelumne Archeological District (detailed in Chapter 2 of the EIS/EIR). This

amendment would be consistent with other Management Practices that apply to MA 4, where S&Gs specific to the Mokelumne Archeological District are included to recognize existing developments in this large and diverse area (Forest Plan pp. 4-143, 4-144, 4-146). The non-significant Forest Plan amendment would add the following S&G specific to the Mokelumne Archeological District to Management Practice 98 in MA 4:

- “The Mokelumne Archeological District is an avoidance area for locating new transportation-utility corridors. New utilities or transportation facilities may utilize existing corridors.”

The need for the second Forest Plan amendment surfaced in response to public comments on the Draft EIS/EIR. An error was discovered in the visual quality standards and guidelines for Management Area 20 – Visual Foreground Retention. Standards and guidelines limit activities within MA 20 to maintain a high level of visual quality. However, developments, including powerlines and roads, are present within MA 20 that reduce visual quality from Retention to Partial Retention in some areas. This Forest Plan amendment corrects a word omission error in Management Practice 15 S&Gs for MA 20, captures the original intent to allow some places in MA 20 to be below the retention level, and corrects the S&G consistent with visual quality standards and guidelines found elsewhere in the Forest Plan. The amendment for MA 20 adds a single word to the S&G for Management Practice 15 (Forest Plan 4-222) as follows (*in italics*):

- “Manage to a Visual Quality Objective of *Partial* Retention on those portions of this Management Area that do not currently meet Retention. This is an acceptable level until opportunity exists to upgrade to Retention.”

I find that the two Forest Plan amendments proposed for all action alternatives comply with the four criteria in FSM 1926.51 for determining they are not significant:

1. They “do not significantly alter the multiple-use goals and objectives for long-term land and resource management”. Both amendments would not change multiple-use goals and objectives, they would provide S&Gs that are consistent with standards and guidelines found elsewhere in the Forest Plan that apply to these Management Areas
2. They “do not adjust management area boundaries” for either Management Area.
3. They are “Minor changes in standards and guidelines”. The first amendment will add a S&G for MA 4 specific to the Mokelumne Archeological District to resolve uncertainty and clarify that adding utilities or transportation facilities in an existing corridor is consistent with the Forest Plan. The second amendment adds a single word (Partial) to the existing S&G for Management Practice 15 in MA 20 to correct an omission error.
4. These amendments result from “Opportunities for additional projects or activities that will contribute to achievement of the management prescription” because these amendments are needed for any of the action alternatives that will meet direction in Executive Order 13212 that encourages increased production and transmission of energy in a safe and environmentally sound manner, and instructs agencies to expedite their review of permits or take other actions as necessary to accelerate the completion of this type of project

I also find that these two Forest Plan amendments do not meet the two criteria in FSM 1926.52 that would determine them to be significant amendments:

1. They do not cause “Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected”, because both amendments are limited in scope to only two Management Areas, and a single S&G for

each Management Area which does not change the management emphasis for either Management Area.

2. They do not result in “Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period” because they affect a small portion of two management areas that only constitute two and five percent respectively of the total Forest acres.

Background

Located in the Sierra Nevada Mountains, Kirkwood is a unique community, consisting of approximately 700 full and part-time residences and Kirkwood Mountain Resort. Located 60 miles east of Jackson, California and 35 miles southwest of Lake Tahoe, Kirkwood is physically isolated from large regional electric energy and natural gas distribution networks. Electricity has been provided to the Kirkwood community and resort through a locally operated generator system using diesel fired internal combustion engines since Kirkwood Mountain Resort opened in 1972.

Because the Kirkwood community is surrounded by National Forest System lands, the USDA Forest Service has a major role in approving access to any outside power supply. The action to improve the power supply system at Kirkwood is consistent with the 2001 National Energy Policy goals to increase domestic energy supplies, modernize and improve our nation's energy infrastructure, and improve the reliability of energy delivery from its sources to points of use. Presidential Executive Order 13212 encourages increased production and transmission of energy in a safe and environmentally sound manner.

Providing high quality recreation facilities and access to recreation opportunities on National Forest System lands is an important management activity for the Eldorado National Forest. The Kirkwood Valley area provides a diversity of recreation opportunities to the public, in both private and National Forest settings. The Kirkwood Mountain Resort provides a high level of recreation visitor services to the public on the Eldorado National Forest. My decision will support maintaining these recreation opportunities for the public with a reliable power source needed for ski area operations.

The scenic resources of the project area are highly valued by Forest visitors and area residents. Highway 88 is both a designated California State Scenic Highway and a Forest Service Scenic Byway. Scenic quality plays an intrinsic role in visitors' experiences and will be protected by this project's buried power line location. The Selected Alternative maintains the scenic values of Highway 88 and is consistent with the Highway 88 Scenic Byway Management Guidelines and the Highway 88 Planning Agreement jointly developed by the US Forest Service, Federal Highway Administration, Caltrans and the Counties of El Dorado, Alpine, and Amador.

Land ownership patterns in the project present a challenge to project implementation. Approximately 85 percent of the power line route is on National Forest lands. Successful power line construction will require effective coordination by KMPUD with private land owners and regulatory agencies.

Purpose and Need for Action

- KMPUD has a need for reliable electrical service within their jurisdiction.
- KMPUD has a need to reduce the health risks associated with diesel particulates, and reduce greenhouse gas production from their current power generation system.
- The Forest Service has a need to respond to KMPUD's application for an electrical power line across National Forest System lands from Salt Springs Reservoir to the Kirkwood Valley.
- The Forest Service has a need for two Forest Plan amendments to correct inconsistencies within the standards and guidelines of Management Areas 4 and 20 (Forest Plan p. 4-148 and p. 4-222) that apply to this project, as discussed above and in the EIS/EIR.

Objectives

In meeting the above needs, project implementation will also achieve the following objectives:

- Maximize the use of existing disturbance areas and corridors during construction to minimize impacts to environmental, visual and cultural resources.
- Meet scenic quality objectives for the project area and for Highway 88 as a Forest Service National Scenic Byway and a California Scenic Highway.
- Avoid impacts to public safety and Caltrans operations on Highway 88 to the extent compatible with balancing the needs of other forest resources. Locating most of the buried power line on Forest roads and other areas outside of Highway 88 reduces travel interruptions for the public and Caltrans operations during construction and ongoing maintenance of the power line.
- Comply with Executive Order 13212 direction to modernize and improve our nation's energy infrastructure and improve the reliability of the delivery of energy from its sources to points of use.

Decision Rationale

The choice of the Selected Alternative best meets the needs of KMPUD to modernize electrical energy infrastructure and improve the reliability of the delivery of energy to the isolated Kirkwood Valley, while minimizing impacts to forest resources in the project area: water, soil, air, wildlife, heritage, scenic, and recreation resources. The Selected Alternative is a modification of Alternative 2 (the Proposed Action) that draws elements from Alternatives 3 and 4 that are clearly within the range of environmental effects analyzed. The Selected Alternative specifically reduces environmental impacts while meeting the identified need for reliable electrical energy.

My decision to choose the Selected Alternative responds directly to comments received on the Draft EIS/EIR. A suggestion from the public for an improved substation location resulted in additional interdisciplinary team fieldwork to evaluate environmental effects of incorporation of the commenter substation location into Alternative 4, the Preferred Alternative in the Final EIS/EIR, and the Selected Alternative in this decision. The substation location adjustment is a minor change that reduces visual and recreation impacts without a measureable increase in impacts to any other forest resource. Public input from Kirkwood residents resulted in KMPUD's recommendation for modifications to segment 21.

Further evaluation of cultural and environmental impacts in segments 6 and 18 of Alternative 2 resulted in the choice of Alternative 3 for those segments of the power line route in the Selected Alternative. My decision to choose the Selected Alternative will help to preserve historic and pre-historic resources that would be damaged or lost under Alternative 2. The Selected Alternative will protect an intact section of the Carson-Mormon Emigrant Trail, which is a National Historic Trail and eligible for the National Register of Historic Places. This decision will also protect a section of the Old Alpine Highway that was found eligible for the National Register of Historic Places by the California Department of Transportation (Caltrans) as an example of historic engineering.

The Selected Alternative retains all other segments from Alternative 2 in response to Caltrans concerns for operation of Highway 88. The Selected Alternative will have a short term impact on the public and on recreation opportunities because construction operations will require traffic control operations to protect public safety.

Analysis of cumulative watershed effects (CWE) for all action alternatives shows that no action alternative would cause any of the watersheds in the project area to exceed its threshold of concern for CWE, and the Selected Alternative avoids impacts to Sierra Nevada yellow-legged frog habitat (Chapter 3).

The design features described in Chapter 2 of the EIS/EIR will mitigate negative environmental effects to the maximum extent practical, as described in Chapter 3 of the EIS/EIR, while achieving the purpose and need for this project. The net effect of the Selected Alternative is to reduce the environmental impacts to cultural, scenic, water, and riparian resources.

I considered input from collaboration with the public, the Washoe Tribe of Nevada and California, Tri-TAC, Caltrans, Pacific Gas & Electric, and county boards of supervisors, both for the alternatives analyzed in the Draft and Final EIS/EIR, and in making my decision. I fully considered the environmental documents and reports prepared for the project in order to come to an informed decision. The decision to move forward with the Selected Alternative is a course of action that responds to the concerns and needs within the communities of the project area, while reducing environmental impact to greatest extent practical.

Public Involvement

A Notice of Intent (NOI) and Notice of Preparation (NOP) to prepare a joint Environmental Impact Statement/Environmental Impact Report for the Kirkwood Meadows Power Line Reliability Project were published in the Federal Register on February 27, 2009 (Federal Register Vol. 74, No. 38, page 8896-8899). The NOI initiated the public scoping for the EIS/EIR document, provided information about the proposed project, and served as an invitation for other federal, state, regional, and local agencies and members of the public to provide comments. The 45-day comment period, as published in the NOI, concluded on April 13, 2009.

In addition to publication of the NOI in the Federal Register, the Forest Service published the NOI in both the Mountain Democrat newspaper in Placerville, California and the Amador Ledger Dispatch newspaper in Jackson, California. The Forest Service also mailed a copy of the NOI to various interested and/or affected persons, organizations and other interested parties who have previously requested notice of actions undertaken by the Forest Service.

Copies of the NOI were posted at the Eldorado National Forest Supervisor's Headquarters, the Amador Ranger District Office, Kirkwood Meadows Public Utility District Office, and county

libraries in El Dorado, Alpine, and Amador Counties. Public notification has been ongoing via the KMPUD and Forest Service websites at: www.kmpud.com and www.fs.fed.us/r5/eldorado/projects.

In compliance with CEQA, the KMPUD filed its NOP with the California State Clearing House on February 27, 2009 (SCH# 2009022100) and mailed to federal, state, regional and local agencies, elected officials, community and environmental organizations and potentially affected property owners. The NOP was also advertised in the Amador Ledger Dispatch, published in Jackson, California and the Mountain Democrat, published in the City of Placerville, El Dorado County, California. The NOP summarized the proposed Project, background, purpose, and need, proposed alternatives, and requested comments from interested parties. The comment period was extended to 45 days to correspond with the comment period as stated in the NOI.

As part of the public involvement process, the Forest Service also held two public scoping meetings. Legal notices of the dates, times, and locations of public scoping meetings were published in both the Mountain Democrat and Amador Ledger-Dispatch on March 27, 2009. The public scoping meetings were held on April 7, 2009 at the Jackson Civic Center in Jackson, California and on April 8, 2009 at the KMPUD Board Room and Offices in Kirkwood, California.

During the public scoping period, KMPUD contacted potentially affected public agencies in an effort to inform these agencies about the proposed project, and to consult with city and county representatives regarding potential concerns or issues. Agency consultation was implemented by KMPUD in an effort to facilitate open communications with district agencies, counties, regional agencies, state agencies and federal agencies regarding the proposed project.

A number of meetings and field visits were held with Caltrans personnel for coordination of the location and design of the power line to accommodate highway operations, maintenance, and snow removal within the Highway 88 corridor.

Approximately 39 comments on the proposed action were received through both the NOI and NOP notification scoping process.

In compliance with the National Environmental Policy Act, a Notice of Availability of the Draft EIS/EIR was published in the Federal Register on April 1, 2011. In compliance with the California Environmental Quality Act, the Draft EIS/EIR was filed with the California State Clearinghouse on May 23, 2011. A 60-day public comment period followed and ended on July 6, 2011. Two public meetings were held to accept public comments and provide clarification on project details. Meetings were held on April 30, 2011 in Kirkwood and on May 3, 2011 in Jackson, California. Public comments and responses from the Forest Service and KMPUD are provided in Appendix L of the Final EIS/EIR.

Issues

During the scoping period three preliminary alternative routes were identified for analysis by KMPUD and presented to the public: Carson Spur alignment (Proposed Action), Silver Lake alignment, and the Long Valley alignment. Multiple comments were received concerning the Silver Lake and Long Valley alternative routes. The Silver Lake and Long Valley alternative routes were not carried forward as action alternatives in the EIS/EIR because opposition was almost unanimous by the public and they would cross the Tragedy-Elephants Back Roadless Area; which would be inconsistent with the 2001 Roadless Rule.

After reviewing the public scoping comments, the Deciding Officer approved the following significant issues to generate alternatives for the Draft EIS/EIR, as given in Chapter 1 of the EIS/EIR:

- **ISSUE:** The proposed action could negatively impact scenic vistas along Highway 88, the scenic character of Highway 88, the natural beauty of the area, private residences, and public recreation areas. The public requested that alternatives be developed both in regards to alignments and technology utilized that would mitigate visual impacts and preserve visual resources of the project corridor. In response to this issue, the Proposed Action (Alternative 2) would reduce the miles of alignment along Highway 88. Negative impacts to the scenic integrity of Highway 88 would be minimized because all of the alignment within the Highway 88 right-of-way would be underground.
- **ISSUE:** Installing underground power lines along Highway 88 could negatively affect the California Department of Transportation (Caltrans) right-of-way along Highway 88 by severely constraining future highway projects due to increased costs related to utility relocation issues. The Proposed Action responds to this issue by reducing miles of alignment along Highway 88.
- **ISSUE:** The proposed action could negatively impact known features areas of historical importance, such as Tragedy Spring, the Carson-Mormon Emigrant Trail, and the Old Alpine Highway, as well as archeological sites in the area. The public requested the alignment follow Highway 88 using underground cable. Alternative 3 responds to this issue with an increase in miles of alignment along Highway 88 to avoid and minimize negative impacts to archaeological sites.
- **ISSUE:** Cabin owners at the Bear River Recreation Residence Tract stated four (4) reasons they objected to the KM Green substation location on Forest Service Road 08N17. The proposed action and construction of the KM Green substation would: 1) negatively impact recreational use of the surrounding forest for cabin owners, 2) detract from the forest experience by the visual impact and sound the equipment would make, 3) pose a safety risk, and 4) the substation would be seen from Peddler Hill Scenic Vista and Shot Rock Vista on Highway 88. The cabin owners requested that alternative site locations be developed to reduce impacts to recreation and aesthetics, and suggested alternative locations. Alternative 4 was developed to respond to this issue with an alternate KM Green substation site located adjacent to Cole Creek Road.

Alternatives Considered

In addition to the Selected Alternative, I considered 3 other alternatives in detail, which are discussed below. A more detailed comparison of these alternatives and their effects can be found in the EIS/EIR, in table form at the end of Chapter 2, and throughout Chapter 3. Since alternative 4 is incorporated into the Selected Alternative it is not addressed here.

Alternative 1 – Under the No Action Alternative, no power line or supporting structures would be constructed as proposed. No ground disturbance or associated environmental impacts would occur. No scenery would be affected and Caltrans operations would continue without incident. Electricity for the Kirkwood community would continue to be generated through diesel fossil fuel combustion to provide power for both the community and Kirkwood Mountain Resort. Continued reliance on diesel fuel combustion or expansion of the in-valley diesel fueled generation system would continue to contribute to the deterioration of local air quality and increase health risks

within the Kirkwood Valley. Under Alternative 1 diesel tanker truck traffic is projected to nearly double due to continued build-out of the Kirkwood community, with a corresponding increase for the risk of hazardous spills on Highway 88.

Alternative 2 – Alternative 2 is the Proposed Action. The Proposed Action would authorize a power line project that includes overbuilding 3.1 miles of existing overhead lines between Salt Springs Reservoir and Bear River Reservoir, and constructing approximately 25 miles of buried electrical line from Bear River Reservoir to Kirkwood. All supporting structures, construction techniques, and maintenance activities are the same as for the Selected Alternative above, (details described in Chapter 2). Approximately 5.2 miles of the power line alignment are located within the shoulder of Highway 88 with an additional 1.1 miles along the outer edges of the Caltrans right-of-way.

Alternative 3 – Alternative 3 is the Environmentally Preferred Alternative. Alternative 3 includes the same general route as Alternative 2, but increases alignments within Highway 88 for several segments to reduce environmental and cultural effects, and avoid land ownership concerns. All supporting structures, construction techniques, and maintenance activities are the same as for the Selected Alternative above (details described in Chapter 2). Approximately 8.6 miles of the alignment would be located within the shoulder of Highway 88 and 1.2 miles would be located along the outer edges of the Caltrans right-of-way. Alternative 3 would increase miles of power line alignment along Highway 88 and increase negative effects to Caltrans management of Highway 88 more than the Proposed Action.

Findings Required by Other Laws and Regulations

National Forest Management Act of 1976 [NFMA] (Public Law 94-588)

This decision is consistent with the Eldorado National Forest Land and Resource Management Plan (Forest Plan), as amended. Two non-significant Forest Plan amendments to correct errors and inconsistencies within the Forest Plan are included in this decision, as discussed previously and detailed in Chapter 2 of the EIS/EIR. This project is responsive to guiding direction contained in the Forest Plan, is consistent with the standards and guidelines contained in the Forest Plan, and is consistent with the requirements for management prescriptions. The project was designed to implement Forest Plan direction for management of the land allocations where project activities are expected to occur, including overlapping allocations for aquatic and terrestrial wildlife, riparian conservation areas, streamside environment zones, visual quality objectives, and designated recreation uses. The Selected Alternative fully meets the National Forest Management Act of 1976 [NFMA] (Public Law 94-588).

National Environmental Policy Act of 1969 [NEPA] (Public Law 91-190)

The National Environmental Policy Act of 1969 [NEPA] (Public Law 91-190) requires that Federal agencies provide detailed disclosure on proposed actions and alternatives to the proposed action that may significantly affect the quality of the human environment. The purpose of the environmental impact statement is twofold: 1) to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action and any alternatives prior to adoption of an action, and 2) to inform the public and allow comment on those environmental effects. This decision is based on an EIS analysis of the alternatives and disclosure of their effects in detail. The procedural requirements of NEPA have been met.

Clean Water Act (Public Law 92-500)

The Selected Alternative meets the terms of the Clean Water Act (Public Law 92-500) KMPUD will obtain necessary authorizations under Sections 404 and 401 of the Clean Water Act.

Clean Air Act (Public Law 84-159)

The Selected Alternative meets the terms of the Clean Air Act (Public Law 84-159). The project area lies within the Amador County Air District, the Great Basin Unified Air Pollution Control District (Alpine County), and the El Dorado Air Quality Management District. KMPUD will obtain the necessary authorizations from the appropriate Air Quality District for construction dust control.

Endangered Species Act of 1973 (Public Law 93-205)

The Selected Alternative complies with the Endangered Species Act of 1973 (Public Law 93-205). Although candidate species Sierra Nevada yellow-legged frog (SNYF) habitat may exist within the project analysis area, recent amphibian surveys found no occurrences of the species within the project treatment area. Formal consultation was not required for the KMPUD Power Reliability project because no threatened or endangered species, or their associated critical habitat, would be affected by this project. (BE/BA, J. O. Williams, 2011; project record, FEIS Chapter 3 for analysis and findings).

Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)

This decision is consistent with the Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712). Because forestlands provide a substantial portion of breeding habitat, land management activities within the Eldorado National Forest can have an impact on local populations. Implementation of the Selected Alternative will have no effect on habitats used by a number of migratory bird species.

National Historic Preservation Act (Public Law 89-665)

This decision is in conformance with regulations of the National Historic Preservation Act, 1966, as amended (P.L. 89-665, 80 Stat.9.5) and its implementing regulations 36 CFR 800; the National Environmental Protection Act (1969), Archaeological Resources Protection Act of 1979, Native American Grave Protection and Repatriation Act (1990: P.L. 101-601), and the American Indian Religious Freedom Act (1978: P.L. 95-341). The California State Historic Preservation Office has reviewed the EIS/EIR, and compliance with Section 106 is complete.

Wild and Scenic Rivers Act (Public Law 90-542, as amended)

The Selected Alternative is consistent with provisions of the Wild and Scenic Rivers Act (Public Law 90-542, as amended), which regulates forest management activities within the National Wild and Scenic Rivers System. There would be no impact to the North Fork Mokelumne Recommended Wild and Scenic River from the project, because all project activities are located outside of the Wild and Scenic River management zone.

Environmental Justice (Executive Order 1289)

The Selected Alternative is consistent with Executive Order 12898 that requires that all federal actions to consider potentially disproportionate effects on minority and low-income communities. Any adverse environmental or human health conditions created by the Selected Alternative would not affect any minority or low income neighborhood disproportionately. Conversely, there is no evidence that any individual, group, or portion of the community will benefit unequally from any of the actions in the Selected Alternative.

Permits and Coordination

The Kirkwood Meadows Public Utility District (KMPUD) is the lead agency for CEQA, and will receive the special use permits and easement from the Forest Service for this project. KMPUD is responsible for obtaining all other permits and licenses for this project.

Administrative Review (Appeal) Opportunities

In accordance with Forest Service regulations, this decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. An appeal under the 215 regulations must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer: Randy Moore, Regional Forester, USDA Forest Service, Pacific Southwest Region, R5 Regional Office, 1323 Club Dr. Vallejo, CA 94592.

For hand-delivered appeals, office hours are 8:00 AM to 4:30 PM, Monday through Friday. E-mailed appeals must be submitted in plain text (.txt), rich text (.rtf), Adobe (.pdf) or Word (.doc) formats to: appeals-pacificsouthwest-regional-office@fs.fed.us. The identity of the appellant must be identifiable. Appeals must be filed within 45 days from the publication date of the legal notice of this decision in the Mountain Democrat, of Placerville, California. The publication date in the newspaper of record is the exclusive means for calculating the 45-day appeal period for this decision. If you wish to appeal under 36 CFR 215, you should rely only upon dates and timeframe information provided by the newspaper legal notice.

The appeal regulations prohibit extending the length of the appeal period. Appeals received after the 45-day appeal period will not be considered.

I am willing to meet with you to hear and discuss any concerns or issues you have related to this decision. Only those who submitted substantive comments on the Draft EIS/EIR have standing to appeal this decision.

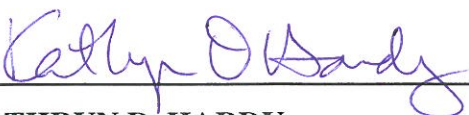
Implementation

If no appeal is filed on this decision, implementation of the decision may begin on, but not before, the fifth business day following the close of the appeal filing period (36 CFR 215.0(a)).

Contact

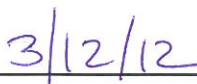
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KATHRYN D. HARDY

Forest Supervisor



Date